

### **REMARKS**

Favorable reconsideration of this application, in view of the preceding amendments and following remarks, is respectfully requested.

Claims 1-7, 9, 10, 13-17, 19-29 and 33-40 are pending in this application. Claims 1, 19, 20, 25 and 29 are independent claims. Claims 1, 6, 19, 20, and 29 are amended.

Applicants acknowledge with appreciation the Examiner's indication that certified copies of the priority documents have been received by the United States Patent and Trademark Office (USPTO).

### **Personal Interview**

Initially, Applicants thank Examiner Gupta and Supervisory Examiner Young for granting the personal interview conducted on October 3, 2007. During the interview, Applicants' representative explained how claim 1, amended as shown in the preceding section, distinguishes over Kuroda et al. (US Patent Number 6,735,155, herein Kuroda). In particular, amended claim 1 recites, inter alia, "a linking area to link neighboring data sections, *the linking area including at least two frame sync signals, where values of the at least two frame sync signals maintain uniqueness, wherein the data area further includes at least one sync signal which is different from the at least two frame sync signals included in the linking area,*" and Examiner Gupta and Supervisory Examiner Young agreed the cited references at least fail to disclose the emphasized features of amended claim 1. However, Examiner Gupta and Supervisory Examiner Young indicated that support in the application must be identified to avoid a possible 35 U.S.C. § 112 rejection. Accordingly, the following section identifies support for the emphasized features of the claims.

### **Support for Claim Amendments**

Figs. 4A-4C clearly illustrate a linking area includes two linking frames. Each linking frame including a frame sync signal FS located at the beginning of each linking frame of a linking area. The linking frame is then followed by additional information. In each of Figs. 4A-4C, there is user data located in each linking frame after the frame sync signal FS. Further, at

least paragraphs [0089]-[0093] indicate that a newly created frame sync may be used in each of the linking frames. In particular, paragraph [0093] states “[i]f the newly-defined frame sync ‘FS n’ is used as explained above, whether a current area is within a linking area or not is determined more easily and more accurately because the new frame sync is different from those used in a physical cluster.”

In light of the above, Applicants submit there is sufficient support for the amendments to independent claims 1, 19, 20, and 29.

### **Claim Rejection under 35 U.S.C. § 102**

Claims 1-7, 15, 17, 19-21, 23, 25-26, 29 and 33-40 stand rejected under 35 U.S.C. §102(a) as anticipated by Kuroda. Applicants respectfully traverse these rejections as detailed below.

As discussed during the personal interview, FIG. 7 of Kuroda illustrates that when a new data section is added to the recording medium of Kuroda, the head position of the old dummy data is detected and the new recording begins at the second sync frame 42 located at the end of the original recording. The second sync frame 42 is overwritten by the new record information and becomes in fact broken due to the overwriting of data. FIG. 7 illustrates the broken data as D. Subsequent to the broken data area is written the remainder of the new recording unit, followed by successive recording units. However, the second sync frame 42 of the linking area 44 does not include an ID, which the Examiner asserts is a sync signal. Accordingly, even if the ID can be considered a frame sync signal, which Applicants do not admit, linking area 44 only includes one ID.

Further, claim 1 specifically recites that “the at least two sync signals *maintain uniqueness*” and that a “*data area further includes at least one sync signal which is different from the at least two frame sync signals included in the linking area.*” Applicants respectfully submit that Kuroda is completely silent regarding these features of the frame sync signals. Regarding inherency, the Manual of Patent Examination and Procedure (MPEP) specifically states “[t]he fact that a certain result or characteristic may occur or be present in the prior art is

not sufficient to establish inherency of that result or characteristic.”<sup>1</sup> As such, the mere description in Kuroda of two sync frames within a linking area where one contains dummy information and the other is unreadable, and the Examiner’s assertion that the sync frames have different functions, is insufficient to establish that Kuroda explicitly or inherently discloses “the at least two frame sync signals *maintain uniqueness*,” as required by claim 1.

In light of the above and as agreed during the personal interview, Kuroda fails to disclose, teach or suggest all of the features of independent claim 1. Thus, independent claim 1 is allowable over Kuroda. Furthermore, because independent claims 19, 20, 25, and 29 include features similar to independent claim 1, these claims are allowable over Kuroda for at least the same reasons as independent claim 1. With regards to the remaining dependent claims, these claims are allowable at least because of their dependence on an allowable base claim. Therefore, Applicants respectfully request that the rejections of claims 1-7, 15, 17-21, 23, 25-26, and 19-31 under 35 U.S.C. § 102(a) be withdrawn.

#### **Claim Rejection under 35 U.S.C. § 103**

Claims 9-10, 13-14, 24 and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kuroda in view of Sako et al. (U.S. Patent 6,971,024, herein Sako). Applicants respectfully traverse this rejection and submit that the listed dependent claims are allowable over Kuroda in view of Sako at least because of their dependence on an allowable base claim, the basis for such allowance being previously set forth above. Therefore, Applicants respectfully request that the rejection of claims 9-14, 24, 27-28 and 32 under 35 U.S.C. § 103(a) be withdrawn.

Claim 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kuroda in view of Nakagawa et al. (U.S. Patent No. 6,879,637, herein Nakagawa). Claim 16 depends from claim 1 and Nakagawa fails to cure the deficiencies of Kuroda with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claim 16 under 35 U.S.C. § 103(a) also be withdrawn.

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<sup>1</sup> MPEP §2112 IV titled “Examiner must provide rationale or evidence tending to show inherency”.

Claim 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kuroda in view of Fujimoto et al. (U.S. Patent No. 6,191,903, herein Fujimoto). Claim 22 depends from claim 20 and Fujimoto fails to cure the deficiencies of Kuroda with respect to claim 20. Therefore, Applicants respectfully request that the rejection of claim 22 under 35 U.S.C. § 103(a) also be withdrawn.

### CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott A. Elchert at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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